

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

In re:  
PAUL GLEN McDAVID,  
Debtor.

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CASE NO.: 3:13-bk-07015-JAF

**ORDER GRANTING MOTION TO DETERMINE SECURED STATUS OF FLORIDA  
CREDIT UNION AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE (DOC 14)**

This Case came on for consideration on the Debtor's Motion to Determine Secured Status and to Strip Junior Lien of Florida Credit Union on Debtor's Principal Residence (the "Motion") (Doc. No. 14) pursuant to the negative notice provisions of M.D. Fla. LBR 2002-4. The Court, considering the Motion and the absence of any record objection to the relief requested in the Motion by any party in interest, deems the Motion to be uncontested.

The real property (the "Real Property") that is the subject of the Motion is located at 13296 SW CR 231, Brooker FL 32622 Tax Parcel Number 00441-0-00100, a tract of land located in Section 25, Township 7 South, Range 20 East, Bradford County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 25 for a point of reference; thence run Southerly along the West line of said Section 25 for a distance of 3.24 feet to an Intersection with the centerline of State Road No. S-231, said point of Intersection being in a curve having a delta of 1\*56'40", a radius of 22918.31 feet and a tangent of 390.04 feet; thence run Easterly along said centerline an arc distance of 390.00 feet to the P.T. of said curve; thence run North 89\*24'32" East, along said centerline 1680.90 feet to the P.C. of a curve; thence continue North 89\*24'32" East, 400.00 feet; thence run South 8\*31'28" East, 12.30 feet to the Point of Beginning, said point lying 40.09 feet radially South of the centerline of said State Road No. S-231; thence run South 8\*31'28" East, 548.66 feet; thence run North 87\*39'25" East 398.49 feet; thence run North 8\*31'28" West 548.66 feet; thence run South 87\*39'25" West, 398.49 feet to the Point of Beginning.

Accordingly, it is hereby

**ORDERED:**

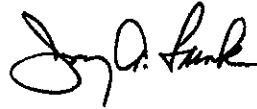
1. The Court has jurisdiction over the creditor, Florida Credit Union and over the property described herein.
2. The Motion is GRANTED.

3. Proof of Claim Number 3 having been filed by Florida Credit Union, shall be ALLOWED as an unsecured claim in this Chapter 13 case.

4. The second mortgage on the Real Property held by Florida Credit Union, account number 6037, recorded on April 11, 2007 in OR Book 1209, Page 317 of the Public Records of Bradford County, Florida, and on April 24, 2007 in OR Book 1212, Page 396 in the Public Records of Bradford County, Florida, shall be deemed void, and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 13 case, provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of the mortgage lien prior to the entry of the Debtor's discharge.

5. This order does not prohibit from asserting, at any time prior to the time when the lien is avoided by this order upon entry of the Debtor's discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgagee, including the right to claim excess proceeds from any foreclosure sale.

DONE and ORDERED in Jacksonville, Florida, this 12th day of March, 2015



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JERRY A. FUNK  
United States Bankruptcy Judge

Attorney Sharon T. Sperling is directed to serve a copy of this order on interested parties and file a Proof of Service within 3 days of entry of the order

This Order prepared by S. Sperling

"RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
JACKSONVILLE DIVISION  
J.B. VOL. 61 NO. 8175"